

REMARKS

Rejections based on 35 USC § 103(a)

Claims 1-23 were rejected as being allegedly unpatentable over Smith 6,173,045 and Schaffer et al 5,901,214. Smith describes an electronic device that is connected to a telephone line that receives a user input and submits a query to a telephone company's central office to retrieve query results. Retrieved results are provided to the user via a display. Schaffer describes a complex system for intelligently processing a telephone call by building a master key which is used to access data from various independent information providers, resulting in what amounts to a virtual national database of information including "thousands of attribute data items" from various information providers (Abstract).

Applicant's claimed invention includes compiling and making available to users a searchable database of cellular phone user names and cellular numbers from data provided by at least one cellular phone provider (Claims 1-21) or of wireless type phone numbers, which may include cellular numbers (Claims 22-23).

SMITH FAILS TO RENDER OBVIOUS APPLICANT'S CLAIMED INVENTION

Smith is directed to an independent device attached to each user's telephone line that facilitates queries to a telephone company central office. Smith makes no reference whatsoever to using the device to search or locate wireless or cellular numbers. Smith fails to provide any information that would render obvious Applicant's method for a cellular or wireless type provider to either compile

or make publicly accessible a searchable database of users. Instead, the operation of the device of Smith presupposes the existence of a database by a telephone provider. Although cellular or wireless type phone numbers were well known at the time of Smith, Smith does not teach, disclose, or suggest that the device may be used to locate such numbers.

SCHAEFFER FAILS TO RENDER OBVIOUS APPLICANT'S CLAIMED INVENTION

Schaeffer is directed to the correlation of data from various independent databases for use by an automated system to intelligently retrieve a wide variety of information relating to incoming phone calls. Although the system of Schaeffer is sufficiently flexible to incorporate cellular phone numbers, Schaeffer, like Smith, presupposes the existence of a publicly accessible, searchable database of cellular numbers and users in order to incorporate such data. Schaeffer in no way teaches how such a database may be compiled from a cellular service provider data and made publicly available, and therefore cannot render Applicant's claimed invention obvious.

To the extent that Schaeffer teaches that reports of changes to telephone numbers may be made available by Bellcore, Schaeffer does not indicate that Bellcore provides any information relating to changes in cellular or wireless type numbers. Even if Schaeffer is interpreted as suggesting that because such a service exists for non-cellular numbers, such a service could also exist for cellular or wireless type numbers (which interpretation Applicant contests), such an interpretation would again presuppose the existence of an accessible database of such

numbers from which changes may be detected and reported, and in no way enables the creation or publication of such a database.

SCHAEFFER AND SMITH IN COMBINATION FAIL TO RENDER OBVIOUS
APPLICANT'S CLAIMED INVENTION

Schaeffer teaches a system of linking information from independent databases. Smith teaches an electronic device to send and receive information to a single telephone central office. As such, both Schaeffer and Smith are non-analogous art that may not be properly combined as the Examiner proposes.

Even if combined, however, Smith and Schaeffer fail to render obvious Applicant's claimed invention. Both Schaeffer and Smith teach inventions whose utility presupposes the existence of an accessible database relating to telephone numbers. Although the Examiner asserts that it would be obvious to generate a directory of cellular numbers, each cited reference fails to demonstrate the existence of such a directory or to teach how such a directory may be compiled or published. Combining the references cannot overcome this failure.

Applicant respectfully notes that in light of the fact that traditional telephone directories and cellular and wireless type services are mature, well established and widely used technologies, the non-obviousness of Applicant's claimed invention is further supported by its novelty.

Finally, Schaeffer's teaching that numbers from differing types of phone services may be distinguished by a telephone code is relied upon by the Examiner to support the assertion that directory assistance would not be

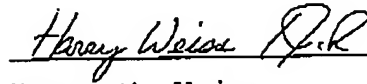
fundamentally different for cellular numbers than for traditional telephone numbers. Applicant acknowledges that both cellular and non-cellular numbers each comprise 10 digits, and therefore Applicant's claimed invention may potentially be practiced using elements taken from non-cellular directory assistance technology. However, the mere fact that an existing technology may be modified for a new use does not render the new use obvious. The similarity between the number of digits in cellular and non-cellular phone numbers is no more than coincidental. Applicant's claimed invention stands on its own and in no way relies upon any similarity between cellular and non-cellular services or numbers, or even between similarities between cellular providers themselves.

Applicant respectfully notes the existence of substantial distinctions between traditional and cellular or wireless type services, such as different underlying technologies and infrastructures, business models, markets and market forces, subscriber characteristics and expectations, governmental regulation, and the culture and tradition of the two service types, to name only a few. The presence of these distinctions would be recognized by one of ordinary skill in the art in further support of the non-obviousness of Applicant's claimed invention.

Applicant respectfully submits that the claimed invention provides a useful and non-obvious contribution to the art that is deserving of patent protection. Applicant believes that the subject Application is in condition for allowance, and earnestly solicits such action by the Examiner. If there are any additional fees resulting from

this Amendment, please deduct them from our deposit account
23-0830.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harry Weiss" followed by a stylized monogram or initials.

Harry M. Weiss

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